

# **PUBLIC EMPLOYMENT RELATIONS BOARD**

## **1999-2000 ANNUAL REPORT**

**October 2000**



**GRAY DAVIS**

**GOVERNOR**

**STATE OF CALIFORNIA**

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## **I. INTRODUCTION**

The Public Employment Relations Board (PERB) submits its 1999-2000 annual report. The report presents a brief overview of PERB's statutory authority, organizational structure, major functions, and workload.

It is the mission of PERB to administer and enforce California public sector collective bargaining laws in an expert, fair and consistent manner; to thereby promote improved public sector employer-employee relations; and to provide a timely and cost effective method through which employers, employee organizations and employees can resolve their labor relations disputes.

The unfair practice charge is the fundamental component of PERB's workload. Unfair practice charge allegations decreased in 1999-2000 following resolution of the long bargaining deadlock between the State of California and the public employee unions. New filings totaled 511 compared to an average of 579 during the three preceding fiscal years. The Board has thus been able to eliminate the backlog, which had built up during the prior years of heavy workload. Should it become law, legislation pending as of this writing would triple the number of employers and double the number of employees subject to the Board's jurisdiction.

The members of the Public Employment Relations Board would like to take this opportunity to commend and congratulate the PERB staff for its record of superior accomplishment during 1999-2000.

To obtain additional information about PERB, its organization, functions and workload, please access the website at [www.perb.ca.gov](http://www.perb.ca.gov) or contact the Public Employment Relations Board Sacramento Headquarters at (916) 322-3198.

Martin B. Dyer, Member  
Antonio C. Amador, Member  
Richard T. Baker, Member

Dated: September 15, 2000

## **II. STATUTORY AUTHORITY AND JURISDICTION**

The Public Employment Relations Board (PERB) is a quasi-judicial agency created by the Legislature to oversee public sector collective bargaining in California. PERB administers three collective bargaining statutes, ensures their consistent implementation and application, and adjudicates disputes between the parties subject to them. The statutes administered by PERB are: the Educational Employment Relations Act (EERA) of 1976 (Gov. Code sec. 3540, et seq.), authored by State Senator Albert S. Rodda, establishing collective bargaining in California's public schools (K-12) and community colleges; the State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act) (Gov. Code sec. 3512, et seq.), establishing collective bargaining for State Government employees; and the Higher Education Employer-Employee Relations Act (HEERA) of 1979 (Gov. Code sec. 3560, et seq.), authored by Assemblyman Howard Berman, extending the same coverage to the California State University and University of California systems and Hastings College of Law.

Approximately 900,000 public sector employees and nearly 1,200 public employers are included within the jurisdiction of the three Acts administered by PERB. The majority of these employees (c. 675,000) work for California's public education system from pre-kindergarten through and including the community college level. The remainder are employees of the State of California (c. 125,000), or the University of California, the California State University and the Hastings College of Law (c. 100,000).

Collective bargaining involving California's municipal, county, and local special district employers and employees is authorized by the Meyers-Milias-Brown Act, which is not subject to PERB's jurisdiction.

### **III. THE BOARD AND ITS DUTIES**

The Public Employment Relations Board itself is composed of five members appointed by the Governor and subject to confirmation by the State Senate. Board members are appointed to five-year terms, with the term of one member expiring at the end of each calendar year. In addition to the overall responsibility for administering the three statutes, the Board itself acts as an appellate body to hear challenges to proposed decisions that are issued by the staff of the Board. Decisions of the Board itself may be appealed under certain circumstances, and then only to the state appellate courts. The Board, through its actions and those of its staff, is empowered to:

- Conduct secret ballot elections to determine whether or not employees wish to have an employee organization exclusively represent them in their labor relations with their employer;
- Prevent and remedy unfair labor practices, whether committed by employers or employee organizations;
- Deal with impasses that may arise between employers and employee organizations in their labor relations in accordance with statutorily established procedures;
- Ensure that the public receives accurate information and has the opportunity to register its opinions regarding the subjects of negotiations between public sector employers and employee organizations;
- Interpret and protect the rights and responsibilities of employers, employees and employee organizations under the Acts;
- Bring action in a court of competent jurisdiction to enforce PERB's decisions and rulings;
- Conduct research and training programs related to public sector employer-employee relations;
- Take such other action as the Board deems necessary to effectuate the purposes of the Acts it administers.

During the Fiscal Year 1999-2000, the Board issued 74 decisions. A summary of the Board's 1999-2000 decisions is included in Section VI of this report. Over the last five years, the Board itself has decided 399 cases, an average of 80 decisions per year.

## IV. THE ORGANIZATION AND FUNCTIONS OF PERB

### ORGANIZATION OF PERB

The Board staff consists of approximately 40 persons. PERB is headquartered in Sacramento and maintains regional offices in Los Angeles and San Francisco. The major organizational elements of PERB, in addition to the Board itself, are the Division of Administrative Law, the Office of the General Counsel, the Representation Section, and the Administration Section.

The relatively small size of the PERB staff makes it essential that the organizational boundaries of PERB be flexible, providing the ability to direct personnel resources to the priority workload at any point in time. Accordingly, regional attorneys may serve as ad hoc Administrative Law Judges (ALJ) to relieve a backlog of cases awaiting formal hearing. Similarly, representation staff may investigate unfair practice charges under the direction of a PERB regional attorney. By utilizing its staff resources in this way, PERB has been able to effectively handle its workload.

The **Division of Administrative Law** houses PERB's ALJs, who serve as impartial judges of the labor disputes which fall under PERB's jurisdiction. PERB ALJs conduct informal conferences with the parties to unfair practice cases in an effort to settle disputes before proceeding to formal hearing. If no settlement is reached, PERB ALJs conduct adjudicative proceedings complete with the presentation of evidence and examination of witnesses under oath. The ALJs then issue proposed decisions consisting of written findings of fact and legal conclusions.

The **Office of the General Counsel** includes PERB's chief legal officer and regional attorneys. The office is responsible for managing the processing of unfair practice charges, and for providing legal representation to PERB in all court proceedings.

The **Representation Section** oversees the statutory process through which employees come to form a bargaining unit and select an organization to represent them in their labor relations with their employer. As of June 30, 2000, there were approximately 2,300 represented bargaining units within PERB's jurisdiction.

The **Administration Section** provides support services to PERB, such as business services, personnel, accounting, information technology, mail and duplicating. This section also maintains liaison with the Legislature, the Department of Finance and other agencies within state government.

## **PERB FUNCTIONS**

The major functions performed by PERB staff involve the evaluation and adjudication of the unfair practice charges filed annually with PERB, and the administration of the statutory process through which public employees select employee organizations to represent them in their labor relations with their employer.

An **unfair practice charge** may be filed with PERB by an employer, employee organization, or employee, alleging that an employer or employee organization has committed an act which is unlawful under one of the Acts administered by PERB. Examples of unlawful employer conduct are: refusing to negotiate in good faith with an employee organization; disciplining or threatening employees for participating in union activities; or promising benefits to employees if they refuse to participate in union activity. Examples of unlawful employee organization conduct are: threatening employees if they refuse to join the union; disciplining a member for filing an unfair practice charge against the union; or failing to represent bargaining unit members fairly in their employment relationship with the employer.

An unfair practice charge filed with PERB is evaluated by staff to determine whether a prima facie case of an unlawful action has been established. A charging party establishes a prima facie case by alleging sufficient facts to permit a reasonable inference that a violation of the EERA, Dills Act, or HEERA has occurred. If it is determined that the charge fails to state a prima facie case, a Board agent issues a warning letter notifying the charging party of the deficiencies of the charge. If the charge is neither amended nor withdrawn, the Board agent dismisses it. The charging party may appeal the dismissal to the Board itself.

If the Board agent determines that a charge, in whole or in part, states a prima facie case of a violation, a formal complaint is issued. The respondent is then given an opportunity to file an answer to the complaint.

Once a complaint has been issued, an ALJ or other PERB agent is assigned to the case and calls the parties together for an informal settlement conference, usually within 30 days of the date of the complaint. If settlement is not reached, a formal hearing before a PERB ALJ is scheduled, normally within 60 days of the date of the informal conference. Following this adjudicatory proceeding, the ALJ prepares and issues a proposed decision. A party to the case may then file an appeal of the proposed decision to the Board itself. The Board itself may affirm, modify, reverse or remand the proposed decision. Proposed decisions which are not appealed to the Board itself are binding upon the parties to the case.

Proposed decisions which have not been appealed to the Board itself may not be cited as precedent in other cases before the Board. Decisions of the Board itself are both precedential and binding on the parties to a particular case. A digest of PERB decisions is available upon request.

The **legal representation** function of the Office of the General Counsel includes:

- Defending final Board decisions or orders in unfair practice cases when parties seek review of those decisions in state appellate courts;
- Seeking enforcement when a party refuses to comply with a final Board decision, order or ruling, or with a subpoena issued by PERB;
- Seeking appropriate interim injunctive relief against those responsible for certain alleged unfair practices;
- Defending the Board against attempts to stay its activities, such as complaints seeking to enjoin PERB hearings or elections; and
- Submitting amicus curiae briefs and other motions, and appearing in cases in which the Board has a special interest or in cases affecting the jurisdiction of the Board.

A summary of the litigation activity of the Office of the General Counsel is included in Section VI of this report.

The **representation process** normally begins when a petition is filed by an employee organization to represent employees in classifications, which reflect an internal and occupational community of interest. If only one employee organization petition is filed and the parties agree on the description of the bargaining unit, the employer may either grant voluntary recognition or ask for a representation election. If more than one employee organization is competing for representational rights of the same bargaining unit, an election is mandatory.

If either the employer or an employee organization disputes the appropriateness of the proposed bargaining unit, a Board agent convenes a settlement conference to assist the parties in resolving the dispute. If the dispute cannot be settled voluntarily, a Board agent conducts a formal investigation and/or hearing and issues a written determination which sets forth the appropriate bargaining unit, or modification of that unit, and is based upon application of statutory unit determination criteria and appropriate case law to the facts obtained in the investigation or hearing. Once an initial bargaining unit has been established, PERB conducts a representation election



in cases in which the employer has not granted voluntary recognition to an employee organization. PERB also conducts decertification elections when a rival employee organization or group of employees obtains sufficient signatures to call for an election to remove the incumbent organization. The choice of "No Representation" appears on the ballot in every representation election.

Representation Section staff also assist parties in reaching negotiated agreements through the mediation process provided in the three Acts PERB administers, and through the fact-finding process provided under EERA and HEERA. If the parties are unable to reach an agreement during negotiations, either party may declare an impasse. At that time, a Board agent contacts both parties to determine if they have reached a point in their negotiations at which their differences are so substantial or prolonged that further meetings without the assistance of a mediator would be futile. Once PERB has determined that an impasse exists, the State Mediation and Conciliation Service of the Department of Industrial Relations is contacted to assign a mediator.

In the event settlement is not reached during mediation, either party, under EERA and HEERA, may request the implementation of statutory fact-finding procedures. PERB provides lists of neutral factfinders who make findings of fact and advisory recommendations to the parties concerning terms of settlement.

A summary of PERB's representation activity is included in Section VI of this report.

## **V. OTHER PERB FUNCTIONS AND ACTIVITIES**

### **FILE OF COLLECTIVE BARGAINING AGREEMENTS**

PERB regulations require that employers file with PERB a copy of all collective bargaining agreements reached pursuant to the three Acts PERB administers, within 60 days of the date of execution. These contracts are maintained as public records in PERB's regional offices.

### **FINANCIAL REPORTS**

The law requires recognized or certified employee organizations to file with PERB an annual financial report of income and expenditures. Organizations which have negotiated a fair share fee arrangement for bargaining unit members have additional filing requirements. Complaints alleging noncompliance with these requirements may be filed with PERB, which may take action to bring the organization into compliance.

### **PERB ADVISORY COMMITTEE**

The Advisory Committee to the Public Employment Relations Board consists of approximately 100 people from throughout California representing employers, employee organizations, law firms, negotiators, professional consultants, the public and scholars. The Advisory Committee was originally established several years ago to assist the Board in its regulation review process. Currently, the Advisory Committee continues to assist the Board in its search for ways to improve PERB's effectiveness and efficiency in working with public sector employers and employee organizations to promote the resolution of disputes and contribute to greater stability in employer-employee relations.

### **CONFERENCE SPONSORSHIP**

The California Foundation for Improvement of Employer-Employee Relations (CFIER) is a non-profit foundation dedicated to assisting public education employers and employees in their efforts to improve working relationships, solve problems and provide leadership in the education community. CFIER began in 1987 as a project within PERB. Each year CFIER presents a conference entitled "Public Education: Meeting the Challenge." PERB is joined by the Institute of Industrial Relations at the University of California, Berkeley; the California State Mediation and Conciliation Service; and the Federal Mediation and Conciliation Service in sponsoring the annual conference. The 1999-2000 CFIER conference was held in October 1999 in Los Angeles.

## **INFORMATION REQUESTS**

As California's expert administrative agency in the area of public sector collective bargaining, PERB is consulted by similar agencies from other states concerning its policies, regulations and formal decisions. Information requests from the Legislature and the general public are also received and processed. Additionally, PERB cooperates with the Institute of Industrial Relations of the University of California, Berkeley, in the dissemination of information concerning PERB policies and actions to interested parties throughout the state.

## **VI. 1999-2000 WORKLOAD STATISTICS**

The major components of PERB's 1999-2000 workload are summarized on the following pages, including:

- A numerical summary of PERB's unfair practice charge workload during 1999-2000;
- A numerical summary of PERB's representation case workload during 1999-2000.
- A brief description of the cases decided by the Board itself during 1999-2000;
- A brief description of the 1999-2000 litigation activity of PERB's Office of the General Counsel;

More detailed information concerning PERB decisions and workload may be obtained by contacting PERB's headquarters office.

## 1999-2000 UNFAIR PRACTICE CHARGE WORKLOAD

### I. Unfair Practice Charges Filed by Office

	1 <sup>st</sup> Half	2 <sup>nd</sup> Half	Total
Sacramento	77	85	162
San Francisco	65	69	134
Los Angeles	105	110	215
Total	247	264	511

### II. Unfair Practice Charge Dispositions by Office

	Charge Withdrawal	Charge Dismissed	Complaint Issued	Total
Sacramento	47	49	72	168
San Francisco	41	56	49	146
Los Angeles	61	68	95	224
Total	149	173	216	538

### III. Prior Year Workload Comparison: Charges Filed

	1996-1997	1997-1998	1998-1999	1999-2000	4-Year Average
1 <sup>st</sup> Half	309	301	290	247	287
2 <sup>nd</sup> Half	351	319	314	264	312
Total	660	620	604	511	599

## 1999-2000 REPRESENTATION CASE ACTIVITY

### I. Case Filings and Disposition Summary

Case Type	Filed	Closed
Request for Recognition	34	36
Severance	13	5
Petition for Certification	0	1
Decertification Petitions	15	12
Amended Certification Requests	5	3
Unit Modification Petitions	25	36
Organizational Security Petitions	11	9
Financial Statement	0	0
Public Notice Complaints	3	3
Arbitration Panel Requests	2	1
Mediation Requests	202	151
Factfinding Requests	22	27
Compliance	29	24
Total	361	308

## 1999-2000 REPRESENTATION CASE ACTIVITY

### II. Prior Year Workload Comparison: Cases Filed

	1996-1997	1997-1998	1998-1999	1999-2000	4-Year Average
1 <sup>st</sup> Half	160	130	117	149	139
2 <sup>nd</sup> Half	166	213	217	212	154
Fiscal Year	326	343	334	361	341

### III. Elections Conducted

Representation	9
Decertification	8
Amendment of Certification	2
Total	19

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1334a	Timothy G. Simeral v. Madera County Office of Education	The Board denied charging party's request for reconsideration of PERB Decision No. 1334.	Denied. The request for reconsideration does not describe extraordinary circumstances and fails to demonstrate grounds sufficient to comply with PERB regulations.
1335	Service Employees International Union, Local 535 v. Fresno Unified School District	The Board summarily dismissed the unfair practice charge filed by the Union on behalf of an employee alleging that the District violated EERA by discriminating against the employee for his participation in protected activities.	Dismissal. Employee failed to prove a nexus between his protected activities and the adverse action.
1336	Alum Rock Union Elementary School District v. Alum Rock Educators Association	The Board granted the parties' request to withdraw the appeal.	Request for dismissal was granted and the appeal was withdrawn.
1337	Professional Engineers in California Government v. State of California (Water Resources Control Board)	The Board concluded that the Water Resources Control Board violated the Dills Act when it unilaterally implemented a new internet/intranet usage policy without providing PECG with notice or an opportunity to bargain over that change.	Violation.
1337a	Professional Engineers in California Government v. State of California (Water Resources Control Board)	The Board denied the Water Resources Control Board's request for reconsideration of Decision No. 1337.	Denied. Failed to demonstrate grounds sufficient to comply with PERB regulations.



## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1338	Paulette Jackson v. Los Angeles Unified School District	The Board dismissed the charge and complaint, which alleged that the Los Angeles Unified School District violated the EERA by terminating Jackson's employment because she exercised protected activities.	Dismissal. Employee failed to prove that any action taken, adverse or otherwise, was because she had engaged in protected activity.
1339	California State Employees Association v. State of California (Department of Corrections)	The Board found that the Department of Corrections denied the California State Employees Association the right to use institutional facilities for meetings in violation of the Dills Act when it discriminatorily applied a policy in a way that prohibits the California State Employees use of particular classrooms while permitting other organizations to use the same classrooms for non-business purposes.	Violation.
1340	Ventura County Federation of College Teachers, AFT Local 1828 v. Ventura County Community College District	The Board found that the District violated the EERA when it failed to provide necessary and relevant information related to an investigation of the men's basketball program. The Federation was not entitled to receive the list of employees being interviewed and the District's interview selection, but it was entitled to receive an anonymous letter sent to the District concerning the basketball program.	Partial dismissal and violations found.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1341	Oxnard Unified School District and Oxnard Federation of Teachers, Local 1273 and California School Employees Association, Oxnard Chapter 800	The Board dismissed CSEA's objections to an election in the Oxnard Unified School District's classified unit.	Dismissal. Evidence of election misconduct was insufficient.
1342	Elizabeth Kiszely v. North Orange County Community College District	The Board dismissed the charge, which made a request for repugnancy review of an arbitration award and also alleged that the North Orange County Community College District retaliated against charging party for participation in protected activities in violation of EERA.	Dismissal. Charge was untimely.
1342a	Elizabeth Kiszely v. North Orange County Community College District	The Board denied a request by Elizabeth Kiszely that the Board grant reconsideration of PERB Decision No. 1342.	Denied. Request insufficient to meet grounds in regulation because it contained matters previously considered and rejected.
1343	Elizabeth Kiszely v. United Faculty Association of North Orange County	The Board dismissed the charge, which made a request for repugnancy review of an arbitration award and alleged that the United Faculty Association of North Orange County denied charging party the right to fair and impartial representation guaranteed by EERA.	Dismissal. Charge was untimely.
1343a	Elizabeth Kiszely v. United Faculty Association of North Orange County	The Board denied Kiszely's request for reconsideration of PERB Decision No. 1343.	Denied. Request insufficient to meet grounds in regulation because it contained matters previously considered and rejected.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1344	California State Employees Association v. State of California (Department of Veterans Affairs)	The Board dismissed the charge, which alleged that the State of California (Department of Veterans Affairs) violated the Dills Act by unilaterally changing the work weeks of Activity Coordinators at the Veterans Home in Yountville.	Dismissal. Parties' agreement permits challenged conduct.
1345	American Federation of Teachers College Guild, Local 1521 v. Los Angeles Community College District	The Board found that the District violated the EERA when it reassigned counselors at West Los Angeles College from a 12-month work year to a 10-month work year without meeting and negotiating with the American Federation of Teachers College Guild.	Violation.
1346	California State Employees Association v. State of California (Employment Development Department)	The Board dismissed the charge, which alleged that the State of California (Employment Development Department) violated the Dills Act when it unilaterally changed the procedure for determining employee eligibility to receive a bilingual pay differential.	Dismissal. Charge failed to demonstrate that EDD failed to follow the standard specified in the parties' agreement.
1347	California Union of Safety Employees v. State of California (Department of Motor Vehicles)	The Board affirmed a partial dismissal of a charge which alleged that the State of California (Department of Motor Vehicles) violated the Dills Act when it unilaterally changed its policy concerning work schedules and driver's license exams conducted during non-daylight hours and when it bypassed CAUSE and negotiated directly with employees.	Partial dismissal. Parties' memorandum of understanding permitted challenged conduct.

# 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1348	Annette (Barudoni) Deglow v. Los Rios College Federation of Teachers/CFT/AFT/Local 2279	The Board dismissed the charge which alleged that the Los Rios College Federation of Teachers breached its duty of fair representation in violation of EERA. The charge also alleged that the Federation interfered with charging party's exercise of rights when it refused to represent the charging party in grieving the Los Rios Community College District's decision to assign her to teach Math 52 (Algebra).	Dismissal. Facts did not demonstrate that union's investigation was inadequate.
1349	Annette (Barudoni) Deglow v. Los Rios College Federation of Teachers/CFT/AFT/Local 2279	The Board dismissed the charge which alleged that the Los Rios College Federation of Teachers breached its duty of fair representation in violation of EERA. The charge also alleged that the Federation interfered with charging party's exercise of rights under EERA when it failed to challenge the Los Rios Community College District's decision to evaluate her during the Spring of 1998.	Dismissal. Facts did not demonstrate that union's investigation was inadequate.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1350	Annette (Barudoni) Deglow v. Los Rios College Federation of Teachers/CFT/AFT/Local 2279	The Board affirmed a partial dismissal of the charge which alleged that the Los Rios College Federation of Teachers breached its duty of fair representation in violation of EERA. The charge also alleged that the Federation interfered with charging party's exercise of rights under EERA when it failed to represent her in pursuing seven grievances challenging the Los Rios Community College District's out-of-sequence evaluations of her during the Spring of 1998. In addition, the charge alleged that the Federation caused or attempted to cause the District to violate EERA.	Partial dismissal. Union's pursuit of other grievances not disparate treatment.
1351	Annette (Barudoni) Deglow v. Los Rios College Federation of Teachers/CFT/AFT/Local 2279	The Board affirmed a partial dismissal of the charge which alleged that the Los Rios College Federation of Teachers breached its duty of fair representation in violation of EERA. The charge also alleged that the Federation interfered with charging party's exercise of rights under EERA when it refused to submit her grievance to arbitration. In addition, the charge alleged that the Federation caused or attempted to cause the District to violate EERA.	Partial dismissal. Charge fails to demonstrate that the union took action to encourage or assist District in retaliating against charging party.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1352	Philip A. Kok v. American Federation of Teachers, Coachella Valley Federation of Teachers and California Teachers Association, Coachella Valley Teachers Association	The Board dismissed the charge, which alleged that the American Federation of Teachers and the California Teachers Association, Coachella Valley Teachers Association breached the duty of fair representation in violation of EERA and/or interfered with charging party's exercise of rights under EERA, thus violating EERA, when they failed to assist him and inform him of his legal rights.	Dismissal. Charge was untimely.
1353	California School Employees Association and its Chapter #187 v. East Side Union High School District	The Board found that the District violated the EERA when it changed the hours of bargaining unit positions without providing the California School Employees Association with notice or the opportunity to negotiate.	Violation.
1354	Bhanu Bawal, et al v. Regents of the University of California	The Board found that the University violated HEERA when it failed to meet and discuss a layoff and rehire program in good faith with University Professional and Technical Employees.	Violation.
1354a	Bhanu Bawal, et al v. Regents of the University of California	The Board denied the University's request that it grant reconsideration of PERB Decision No. 1354.	Denied. Production error not grounds for reconsideration; other grounds already offered and rejected.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1355	Cessaly D. Hutchinson v. California State Employees Association	The Board dismissed the charge, which alleged that the California State Employees Association breached its duty of fair representation by retaliating against charging party for protected activities in violation of the Dills Act, and by causing the State of California (Department of Transportation) to terminate charging party's employment in violation of the Dills Act.	Dismissal. Charge failed to provide facts that union caused the state's conduct.
1355a	Cessaly D. Hutchinson v. California State Employees Association	The Board denied charging party's request for reconsideration of PERB Decision No. 1355.	Denied. Failed to meet grounds specified in regulation.
1356	Alexander P. Vellanoweth v. Sacramento City Unified School District	The Board dismissed the charge which alleged that the Sacramento City United School District retaliated against charging party for his exercise of protected conduct when it failed to hire him as a summer school coordinator or summer school principal.	Dismissal. Charging party failed to prove a nexus between protected activities and adverse action.
1357	California State Employees Association, SEIU, Local 1000, v. State of California (Department of Health Services)	The Board dismissed the charge, which alleged that the State of California (Department of Health Services) violated the Dills Act when it terminated the employment of Dana Bass in retaliation for engaging in protected conduct.	Dismissal. Charge failed to demonstrate adverse action, disparate treatment, or cursory investigation.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1358	Lillian H. Burton v. Los Angeles County Education Association, CTA/NEA	The Board dismissed the charge, which alleged that the Los Angeles County Education Association violated charging party's rights by not representing her when she was ordered to leave campus.	Dismissal. Certain allegations untimely; union has no duty to notify members of impending bad news.
1358a	Lillian H. Burton v. Los Angeles County Education Association, CTA/NEA	The Board denied charging party's request for reconsideration of PERB Decision No. 1358.	Denied. Grounds previously offered and rejected.
1359	Regents of the University of California and University of California Association of Interns and Residents (UCAIR)	Medical housestaff employed by the University at its medical centers at the University of California at Los Angeles, University of California at San Francisco and University of California Davis, on a rotation within a facility owned and operated by the University, are employees under the HEERA.	UC housestaff are employees under HEERA.
1360	Lillian H. Burton v. Los Angeles County Office of Education	The Board dismissed the charge, which alleged that the Los Angeles County Office of Education violated EERA by ordering charging party to leave campus.	Dismissal. Charge fails to demonstrate disparate treatment or other nexus factors.
1360a	Lillian H. Burton v. Los Angeles County Office of Education	The Board denied charging party's request for reconsideration of PERB Decision No. 1360.	Denied. Grounds were previously offered and rejected.



## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1361	South Tahoe Educators Association, CTA/NEA v. Lake Tahoe Unified School District	The Board affirmed a partial dismissal of the charge, which alleged that the Lake Tahoe Unified School District violated EERA when it engaged in surveillance of the Association's executive board meetings and refused to provide requested information.	Partial dismissal. No evidence District obtained documents unlawfully.
1362	Service Workers Local 715, SEIU AFL-CIO v. Morgan Hill Unified School District	The Board dismissed the charge, which alleged that the Morgan Hill Unified School District violated EERA by refusing to pay a negotiated salary increase to certain bargaining unit members.	Dismissal. Conduct was in accordance with parties' final agreement.
1363	Philip A. Kok v. Coachella Valley Unified School District	The Board dismissed the charge, which alleged that the Coachella Valley Unified School District violated EERA by failing to properly evaluate charging party, threatening to discipline him if he continued to question the evaluation process, and failing to properly process a grievance to arbitration.	Dismissal. Charge was untimely.
1364	Elizabeth Kiszely v. North Orange County Community College District	Employee appealed Board agent's dismissal of charge alleging that District had violated EERA by retaliating against her for her participation in protected activities.	Remanded at the request of PERB General Counsel for further investigation.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1365	California State Employees Association v. State of California Employment Development Department	Department appealed ALJ's proposed decision which found that Department had violated the Dills Act by interfering with the exercise of protected rights and discriminating against employee for participation in protected activities, thereby denying union the right to represent its members.	Reversed. Activity was not protected because it took place in the work place during work time.
1366	Vivienne Schmid (Gunther Schmid, Deceased) v. State of California (Department of Corrections)	Employee appealed Board agent's dismissal of unfair practice charge which alleged Department violated the Dills Act in retaliation for his protected conduct.	Dismissed. Charge untimely filed.
1367	Vivienne Schmid v. Trustees of the California State University	Employee appealed Board agent's dismissal of unfair practice charge which alleged Trustees violated HEERA in retaliation for employee's protected activity.	Dismissed. Charge untimely filed.
1368	Jim Hard, Cathy Hackett and Irma Reveles, v. California State Employees Association Lydia Ramirez v. California State Employees Association Joyce Fox v. California State Employees Association	Employees appealed ALJ's proposed decision dismissing allegations that CSEA interfered with protected rights and discriminated against the employees for their exercise of protected conduct.	Affirmed. Employees were not engaged in protected activity.
1369	Cessaly D. Hutchinson v. California State Employees Association	Employee appealed Board agent's partial dismissal of unfair practice charge which alleged union violated the Dills Act by discriminating against them for their exercise of protected conduct.	Affirmed. Allegations involved solely internal union activities without any impact on employer-employee relations and were therefore not protected under the Dills Act.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1370	Wanda Ross-Ezozo v. American Federation of State County and Municipal Employees, District Council 57	Employee appealed Board agent's dismissal of charge alleging that union had violated the duty of fair representation in its processing of a grievance.	Dismissed. No evidence that union's conduct was arbitrary, discriminatory or in bad faith.
1371	Wilmar Teachers Association, CTA/NEA v. Wilmar Union Elementary School District	District appealed ALJ's proposed decision which found that District had violated EERA when it requested the removal of a union political sign from the school parking lot.	Reversed. Board dismissed unfair practice charge and complaint; District had not interfered with the right of employees to participate in the activities of the union, and had not interfered with union's right of access and right to represent employees.
1372	Harold R. Schuman v. Union of American Physicians and Dentists	Employee appealed Board agent's dismissal of charge alleging that union breached its duty of fair representation.	Dismissed. Charge untimely filed.
1373	California State Employees Association, Local 1000, SEIU, AFL, CIO-CLC v. State of California (Department of Corrections)	Employee appealed Board agent's dismissal of charge alleging that Department violated the Dills Act when it imposed reprisals against employee.	Dismissed. Charge failed to establish a prima facie case of violation of Dills Act.
1374	California State Employees Association, SEIU Local 1000, AFL-CIO v. State of California (Department of Youth Authority)	Department appealed ALJ's proposed decision which found that Department had violated the Dills Act.	Affirmed. Department violated Dills Act when it changed past practice.
1375	Helen R. Bailey v. Pomona Unified School District	District appealed ALJ's proposed decision which found that District had violated EERA by retaliating against a teacher for her protected activity.	Reversed. Insufficient evidence of retaliation shown.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1376	Elizabeth Kiszely v. North Orange County Community College District	Employee appealed Board agent's dismissal of unfair practice charge alleging that District violated EERA by retaliating against employee for participation in protected activities.	Dismissed and deferred to arbitration. Even if charge was within PERB's jurisdiction, it did not state a prima facie case of retaliation for protected activities.
1377	Sam Poolsawat v. Los Angeles Community College District	Employee appealed Board agent's dismissal of unfair practice charge alleging that District violated EERA when it discriminated against employee for filing a grievance.	Dismissed. Charge untimely filed.
1378	California School Employees Association and its Long Beach Community College Chapter #8	Union appealed ALJ's proposed decision which partially dismissed allegation that District violated EERA by refusing to negotiate a successor collective bargaining agreement until Union ratified a tentative agreement concerning specific contractual provision.	Reversed partial dismissal and remanded for issuance of a complaint.
1379	Judith Gloria Hansen v. California School Employees Association	Employee appealed ALJ's proposed decision which dismissed allegation that CSEA breached its duty of fair representation and discriminated against employee.	Affirmed. Employee failed to show that breach of duty of fair representation had occurred.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1380	Cessaly D. Hutchinson v. California State Employees Association	Employee appealed Board agent's dismissal of unfair practice charge alleging that CSEA violated the Dills Act by interfering with the employer-employee relationship.	Dismissed. Charge involved conduct between a union and a terminated employee which occurred subsequent to the termination of the individual from State service; the former employee lacked standing to file an unfair practice charge.
1381	California State Employees Association v. State of California (Department of Corrections)	Department appealed ALJ's proposed decision which found that Department had violated the Dills Act when it changed a past practice by eliminating an officer position.	Affirmed. The issues in this case concerned safety and health; the matter was therefore within the scope of representation.
1382	Donna Lynn Huff v. International Union of Operating Engineers, Local 501, AFL-CIO	Employee appealed ALJ's proposed decision which dismissed allegations that Union denied employee's requests for representation.	Affirmed. Allegations fell outside of union's duty of fair representation under the Dills Act.
1383	Anthony McKeel v. Oakland Education Association	Employee appealed Board agent's dismissal of unfair practice charge alleging that Association had failed to represent employee in his appeal of a dismissal action.	Dismissed. Association was under no obligation to represent employee following his dismissal for use of a controlled substance; such a proceeding was not covered under the bargaining relationship.
1384	Margaret-Ann Mitchell v. San Bernardino Teachers Association, CTA/NEA	Employee appealed Board agent's dismissal of an unfair practice charge alleging that the Association breached the duty of fair representation in handling the employee's grievances.	Dismissed. Facts did not demonstrate that union's handling of grievances was without rational basis or devoid of honest judgment.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1385	Emily J. Rumrill, et al., v. Corona-Norco Teachers Association, CTA/NEA	Employee appealed Board agent's dismissal of charge alleging that union violated its duty of fair representation when it failed to bargain on employees' behalf.	Dismissed. Charge untimely filed.
1386	Mary Lou Torres v. California Teachers Association, CTA/NEA	Employee appealed Board agent's dismissal of charge alleging that union violated its duty of fair representation.	Dismissed. Facts did not demonstrate that the union's violated the duty of fair representation.
1387	Deborah Newton Cooksey v. San Bernardino Teachers Association, CTA/NEA	Employee appealed Board agent's dismissal of charge alleging that union violated its duty of fair representation.	Affirmed. Union's duty of fair representation is limited to contractually based remedies under the union's exclusive control; charge did not show that union had exclusive control over subject of grievance.
1388	California Correctional Peace Officers Association v. State of California (Department of Corrections)	Department appealed ALJ's proposed decision which found that Department had failed to meet and confer over the reasonably foreseeable effects of its decision to reorganize the supervisory structure of prison.	Affirmed. Department violated the Dills Act when it refused to meet and confer over the reasonably foreseeable effects of the reorganization, and when it failed to provide the Union with information pertinent to its representational activities in a timely manner.
1389	Dolan Lee Bradley v. Santa Monica-Malibu Unified School District	Employee appealed Board agent's dismissal of unfair practice charge which alleged that District had violated EERA by changing employee's classification and reducing his salary in retaliation for his protected activity.	Dismissed. Charge untimely filed.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
1390	California State Employees Association, SEIU Local 1000 v. State of California (Department of Corrections)	Department appealed ALJ's proposed decision which found that Department had transferred work at new satellite kitchens at High Desert State Prison from the supervising cooks unit into the correctional officers unit, in violation of the Dills Act.	Affirmed. Proposed decision modified with regard to the unilateral transfer of work question, and with regard to the remedy ordered.
1391	California State Employees Association, SEIU Local 1000 v. State of California (Department of Corrections)	Department appealed ALJ's proposed decision which found that Department had transferred work at new satellite kitchens at California Substance Abuse Treatment Center at Corcoran from the supervising cooks unit into the correctional officers unit, in violation of the Dills Act.	Affirmed. Proposed decision modified with regard to the unilateral transfer of work question, and with regard to the remedy ordered.
1392	California State Employees Association, SEIU Local 1000 v. State of California (Department of Corrections)	Department appealed ALJ's proposed decision which found that Department had transferred work at new satellite kitchens at Salinas Valley State Prison from the supervising cooks unit into the correctional officers unit, in violation of the Dills Act.	Affirmed. Proposed decision modified with regard to the unilateral transfer of work question, and with regard to the remedy ordered.
1393	David Nagle, James Rickman and Timothy Lee v. Peralta Community College District	Employee appealed ALJ's proposed decision which concluded that Department had not retaliated against employees because of protected activity.	Affirmed and deferred to the parties' contractual grievance procedure.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
Ad-296	Lydia Ramirez v. State of California (State Teachers Retirement System)	The Board denied the charging party's request that the Board accepted her late-filed exceptions, because good cause had not been shown.	Denied. Neither of the reasons offered to excuse the late filing meets the good cause standard.
Ad-297	Lydia Ramirez v. State of California (State Teachers Retirement System)	The Board denied the charging party's request that the Board accepted her late-filed exceptions, because good cause had not been shown.	Denied. Good cause had not been shown.
Ad-298	General Teamsters Union Local #137 and California School Employees Association and its Fall River Chapter #191 and Fall River Joint Unified School District	The Board denied the appeal of a Board agent's administrative determination that the severance petition filed by the Teamsters was not filed within the window period described in EERA.	Denied. The severance petition was not filed within the window period.
Ad-299	Cessaly D. Hutchinson v. California State Employees Association	The Board denied the charging party's request that the Board accept her late-filed amendments to her appeal of the dismissal of her charge, because the request provided no justification.	Denied. Charging party did not demonstrate good cause to excuse her late filings.
Ad-299a	Cessaly D. Hutchinson v. California State Employees Association	The Board denied charging party's request for reconsideration of the decision denying her request that the Board accept her late-filed amendments to her appeals of the dismissal in PERB Decision No. 299.	Denied. The request for reconsideration fails to demonstrate grounds sufficient to comply with PERB Regulations.



## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
Ad-300	California State Employees Association, SEIU Local 1000 v. State of California Department of Personnel Administration, Banking, Transportation, Water Resources and Board of Equalization	The Board reversed a Board's agent's administrative determination concerning compliance with a Board order in <u>State of California (Departments of Personnel Administration, Banking, Transportation, Water Resources and Board of Equalization</u> (1998) PERB Decision No. 1279-S.	The Board found that the State had complied with the Order in the underlying decision.
Ad-301	Long Beach Community College District and California School Employees Association and Teamsters, Local 911, and AFT Council of Classified Employees	The Board denied the Charging Party's request for a stay of the representation election pending an appeal of a Board agent's administrative determination. The Board instead ordered the ballots cast in the election impounded pending the Board's decision in the appeal of the administrative decision.	Denied.
Ad-302	Long Beach Community College District and California School Employees Association and Teamsters, Local 911, and AFT Council of Classified Employees	The Board concluded that it is in the best interest of the parties and consistent with the purposes of EERA to grant CSEA's request to withdraw the appeal.	Appeal withdrawn.
Ad-303	Long Beach Community College District and California School Employees Association and Teamsters, Local 911, and AFT Council of Classified Employees	The Board concluded that it is in the best interests of the parties and consistent with the purposes of EERA to grant CSEA's request to withdraw the appeal.	Appeal withdrawn.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
I.R. 410	Pittsburg Education Association, CTA/NEA v. Pittsburg Unified School District	The Board denied a request to enjoin the District from denying released time to its negotiators.	Request denied.
I.R. 411	Raymond G. Alley, Jr. and Harold Lee Lopez, et al. v. California State Employees Association.	The Board denied a request to enjoin CSEA from discriminating and retaliating against them because of their participation in the union and interfering with the performance of their duties as Local 726, District Labor Council officers.	Request denied.
I.R. 412	Jim Hard, Cathy Hackett, Ron Landingham, Marc Bautista, Adrienne Suffin and Walter Rice v. California State Employees Association	The Board denied a request to enjoin CSEA from suspending charging parties' membership, stewardships, right to maintain their union leaves and run for election.	Request denied.
I.R. 413	Cathy Hackett and Jim Hard v. California State Employees Association	The Board denied a request to enjoin CSEA from suspending charging parties' membership, stewardships, right to maintain their union leaves and run for election.	Request denied.
I.R. 414	Orange Unified Education Association v. Orange Unified School District	The Board denied a request to enjoin the District from implementing changes in the terms and conditions of employment.	Request denied.
I.R. 415	California School Employees Association v. Lucia Mar Unified School District	The Board denied a request to enjoin the District from contracting out bargaining unit work and laying off bargaining unit employees without having bargained the decision and its effects; and from bypassing CSEA.	Request denied.

## 1999-2000 DECISIONS OF THE BOARD

<u>DECISION NO.</u>	<u>CASE NAME</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
I.R. 416	James Dunlap v. United Teachers of Los Angeles	The Board denied a request to enjoin UTLA from enforcing a provision of the collective bargaining agreement which bars bargaining unit employees from accepting administrative positions.	Request denied.

## 1999-2000 PERB LITIGATION ACTIVITY

There were a total of eight new litigation cases opened during 1999-2000 which are summarized below. Two cases closed during the fiscal year, each with a result favorable to PERB.

1. Lydia Ramirez v. Public Employment Relations Board/State of California (State Teachers Retirement System), Third District Court of Appeals, Case C033781. (PERB Orders Ad-296-S and Ad-297-S; and ALJ Decisions HO-U-731-S and HO-U-732-S.) Issue: Did PERB err in upholding the Appeals Assistant's determination that exceptions to the ALJ proposed decisions were untimely filed? Ramirez filed her Petition for Writ of Review/Mandate on 9/30/99. PERB filed its Motion to Dismiss Petition for Lack of Jurisdiction on 10/7/99 and the Court Granted PERB's Motion to Dismiss on 10/28/99.
2. Kofi Opong-Mensah v. Terry Jackson, State of California (Department of Food and Agriculture) and Public Employment Relations Board, Contra Costa Superior Court, Case C9903749. (PERB Decisions 1290-S and 1290a-S.) Issue: Did PERB err in upholding the Regional Attorney's refusal to issue a complaint and dismissal of the charge? Opong-Mensah filed his Petition for Writ of Mandate on 10/8/99. PERB filed its Preliminary Opposition on 11/5/99. The State filed its Return by Way of Answer and Demurrer on 11/8/99. PERB filed a Motion to Dismiss; Memorandum of Points & Authorities; and [Proposed] Order on 6/8/00. The State filed a Notice of Joinder and Joinder with PERB's Motion to Dismiss Petition for Writ of Mandate on 6/16/00.
3. Kofi Opong-Mensah v. Steven B. Bassoff, John E. Sikora, California Association of Professional Scientists and Public Employment Relations Board, Contra Costa Superior Court, Case C9903750. (PERB Decision 1288-S.) Issue: Did PERB err in upholding the Regional Attorney's refusal to issue a complaint and dismissal of the charge? Opong-Mensah filed his Petition for Writ of Mandate on 10/8/99. PERB filed its Preliminary Opposition on 11/5/99. PERB filed a Motion to Dismiss; Memorandum of Points & Authorities; and [Proposed] Order on 6/8/00.
4. East Side Union High School District v. PERB/California School Employees Association, Chapter 187, Sixth District Court of Appeals, Case H020692. (PERB Decision 1353.) Issue: Did PERB err when it found that the District violated EERA when it decreased the hours of bargaining unit positions without providing the exclusive representative notice or an opportunity to negotiate? The District filed its Petition for Extraordinary Writ on 10/29/99. The District filed its Opening Brief on 2/9/00. PERB filed its Reply Brief on 3/8/00. CSEA filed its Responding Brief on 3/13/00. On 4/18/00, the Court denied the Petition for Extraordinary Writ.

5. Philip A. Kok v. Coachella Valley Unified School District, American Federation of Teachers, California Teachers Association, and Does 1 through 10, inclusive. Fourth District Court of Appeal, Division Two, Case E024883. (PERB Decisions 1302, 1302a and 1352.) Issue: Amicus Curiae brief on behalf of the AFT and CTA arguing the case should be preempted by PERB's jurisdiction. On 12/22/99, CTA submitted an amicus request to PERB. On 2/7/00, PERB filed its brief of amicus curiae in support of the AFT and CTA. Kok filed an objection to PERB's petition on 2/10/00. On 5/8/00, the Court issued an Order denying Appellant's Request for Judicial Notice as irrelevant to the issues raised in the appeal.
6. California State Employees Association v. PERB/State of California (Employment Development Department) Second Appellate District, Case B138299. (PERB Decision 1365-S.) Issue: Did PERB err when it determined that the Unity Break held by EDD employees was not an activity protected by the Dills Act? CSEA filed Verified Petition for Writ of Review on 1/18/00. CSEA filed its Opening Brief on 3/16/00. PERB filed its Brief in Opposition on 4/13/00. The State filed its Opposition to Memorandum of Points and Authorities in Support of Verified Petition for Writ of Review on 4/14/00. CSEA filed Petitioner's Reply Brief on 5/2/00. On 6/7/00, the Court Noticed the parties that Oral Argument is to be held 7/6/00.
7. Charles Baird, Allen L. Appell and Edward J. Erler v. California Faculty Association, Kathleen Connell, Controller of the State of California and California Public Employment Relations Board, US District Court, Eastern District, Case No. S-00-0999 WBS DAD . Issue: Does PERB's enforcement of the agency fee provisions enacted in HEERA violate the Constitution? Class Action Complaint filed on 2/24/00. CFA filed a Motion for Transfer on 3/9/00. PERB filed its Motion for Transfer on 3/14/00. Hearing on the Motion is set for 4/20/00. On 3/29/00, Plaintiffs filed Opposition to CFA's and PERB's Motions to Transfer. On 4/4/00, PERB filed its Reply to Opposition to Motion for Transfer. CFA filed its Reply in Support of Motion for Transfer on 4/5/00. Plaintiffs filed Motion for Class Certification on 4/12/00. On 4/20/00, the parties attended a hearing before the Northern District Court on the Motion for Transfer. CFA filed its Answer to Complaint on 4/26/00. PERB filed its Answer to Verified Complaint on 4/28/00. The State filed its Answer to Verified Complaint on 5/1/00. On 6/6/00, the case was transferred to Judge Shubb in the Eastern District. On 6/12/00, Plaintiffs filed Notice of Hearing on Motion for Class Certification to be held on 7/10/00. CFA filed its Opposition to Class Certification on 6/23/00. The State filed a Joinder to CFA's Opposition for Class Certification on 6/23/00. PERB filed its Position Regarding the Motion for Class Certification on 6/28/00, neither supporting nor opposing the Motion.

8. Jim Hard, Cathy Hackett, Ron Landingham, Marc Bautista, Adrienne Suffin and Walter Rice v. California State Employees Association Sacramento Superior Court, Case 00CS00301. Issue: Does PERB have exclusive jurisdiction over the subject at issue in this case? Petition for Writ of Mandate filed on 2/16/00. CSEA filed its Points and Authorities in Opposition to Request for Stay on 2/24/00. Hearing on Alternative Writ of Mandate on 2/25/00. PERB was granted permission to intervene in this matter at Court on 2/25/00. PERB filed Order Granting Leave to Intervene; Complaint in Intervention; and Brief of Intervenor on 3/1/00. CSEA filed Declaration of Catherine Kennedy in Opposition to Alternative Writ of Mandate on 3/1/00. On 3/15/00, Demurrer was scheduled for 5/19/00, but was taken off calendar.